

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

LABOUR Dispute — Dispute between 38 Workmen of Contract Labour represented by Sri.M.Suresh Babu, President, KCP Contract Labour Union and the Management of K.C.P.Cements Limited, Macherla, Guntur District for regularization of their services from the date of joining with consequential benefits-Report the dispute for adjudication to the Industrial Tribunal cum Labour Court, Guntur – Orders - Issued.

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LABOUR EMPLOYMENT TRAINING AND FACTORIES (LAB.I) DEPARTMENT

G.O.Rt.No. 1493

Dated: 12/09/2011

Read the following:

1. Orders Dt.14.6.2011,of the Hon'ble High Court of A.P., in W.P.No.28614/2010,.
2. From the Joint Commissioner of Labour, Guntur,Lr. No: C/3167/2010, Dt.30.08.2011.
3. From the Commissioner of Labour,Lr.No.L2/13327/2010, Dt.9.9.2011.

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ORDER:

In the reference 1<sup>st</sup> read above, the Hon'ble High Court of A.P, has directed the 5<sup>th</sup> Respondent i.e., Secretary to Government, LET&F Dept in W.P.No.28614/2010 as follows:

“Whether the Petitioners are entitled to be regularized or not has to be decided by the competent Labour Court. For that purpose, the dispute must be referred to the Labour Court by the Government. A representation was pending before the 5<sup>th</sup> respondent. Therefore, the 5<sup>th</sup> respondent has to take appropriate decision as to whether the matter has to be referred to the Labour Court or not.

Therefore, the Writ Petition is disposed of directing the 5<sup>th</sup> Respondent to take appropriate decision as to whether it is a fit case to refer the dispute to the Labour Court and pass orders in accordance with law within a period of six weeks from the date of receipt of a copy this order and communicate the same to the petitioner. No order as to costs”

In pursuance of the above orders of the High Court, the Joint Commissioner of Labour, Guntur reported vide reference 2<sup>nd</sup> read above that an Industrial Dispute exists between 38 Workmen of Contract Labour (Annexure.B) represented by Sri.M.Suresh Babu, President of KCP Contract Labour Union, Regd.No.C-2389 and the Management of K.C.P. Cements Limited, Macherla for regularization of their services from the date of joining with consequential benefits. The matter was taken up by the Joint Commissioner of Labour, Guntur and tried to solve the problem but could not be solved and submitted failure report under section 12(4) of the I.D.Act,1947 and recommended to refer the dispute to the Labour Court, Guntur for adjudication. Keeping in view of the recommendation of the Commissioner of Labour vide reference 3<sup>rd</sup> read above, the issue framed by the Conciliation Officer and the Joint Commissioner of Labour, Guntur has been examined in detail based on the material papers and decided to refer the issue, as indicated in Annexure - A appended to this order for adjudication as there is a dispute between the Management of KCP Cements Limited, Macharla and the 38 Contract Labour indicated in Annexure-B over the regularization of services with the Management from the date of joining with all consequential benefits and the dispute falls within the definitions of Section 2(k) of the I.D.Act,1947 and in view of the Government of India Notification No.520 published in the Gazette of India, Dt.08.12.1977 that the Central Government have delegated its powers under section 39 of the I.D.Act,1947 to the State Government also in relation to the Cement Industry.

And Whereas, in opinion of the Government, it is necessary to refer the said dispute for adjudication.

Now, therefore, in exercise the powers conferred under Sec.10(1)(d) of the Industrial Dispute Act, 1947, Government is hereby refer the dispute that exists between 38 Workmen of Contract Labour represented by Sri M.Suresh Babu, President of the Union and the Management of K.C.P. Cements Limited, Macherla, Guntur District for regularization of their services from the date of joining with all consequential benefits for adjudication to the Industrial Tribunal cum Labour Court, Guntur as shown in the Annexure-A enclosed. The Industrial Tribunal cum Labour Court, Guntur shall submit its award on the above dispute to the Government within a period of six months from the date of these orders.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D. SREENIVASULU  
SECRETARY TO GOVERNMENT

To

The Chairman-cum-Presiding Officer, Industrial Tribunal – cum – Labour Court, Guntur. (Along with copy of failure report with its enclosures)

The Commissioner of Labour, A.P., Hyderabad.

The Joint Commissioner of Labour, Guntur, Guntur District.

Copy to:

1. M/s. K.C.P.Limited, Macharla, Guntur District.

2. Sri.M.Suresh Babu, Chairman, K.C.P. Contract Labour and other Workers Union, Macheral,Guntur.

//FORWARDED::BY ORDER//

SECTION OFFICER

**ANNEXURE – A TO THE G.O.RT.NO.1493 , DATED. 12-09-2011.**

**ISSUE:**

“ Whether the demand of 38 workmen (list enclosed-Annexure-B) for regularization of their services with the KCP Cements Limited, Macherla, Guntur district, from the date of joining with consequential benefits is justified or not?

If not, to what relief the workmen are entitled?”

**D. SREENIVASULU  
SECRETARY TO GOVERNMENT**

**SECTION OFFICER**

Sl.No.	Name of the Worker	Full Address	Age	Date of Joining	Department	Contractor's Name	Nature of Duties	PF Account No.	ESI	Total Service.
1.	Gunja Srinivasa Rao	S/o Subbaiah 220th ward Sagar Road, Macherla, Guntur District	36 Years	1-4-1996	Mechanical	Upputholla Yedukondalu	Free Heater Mines	AP/2267/555	1772053	14 Years
2	Thumu Satyam	S/o Venkaiah 11th ward, Santhi nagar, Macherla, Guntur District	38 Years	1-4-1996	-do-	-do-	-do-	AP/2267/556	1772054	14Years
3	Kopthapalli Venkateswarlu	S/o Venkaiah, 7 <sup>th</sup> ward Rope Line Colony, Macherla, Guntur Dist	42 Years	1-4-1996	-do-	-do-	-do-	AP/2267/563	1772061	14 Years
4	Gottemukkala Srinivasa rao	S/o Chennaiah, 11th ward, Shanthi nagar, Macherla	33 Years	1-1-2002	-do-	-do-	-do-	AP/2267/635	1772483	8 years
5	Devella Srinu	S/o Nagaish, 20 <sup>th</sup> ward Bedind Municipal Tank, Macherla Guntur Dist	39 Years	1-4-1996	-do-	-do-	-do-	AP/2267/571	1772069	14 years.
6	Purru Pedda Saidulu	S/o Chinna Ramulu, 22 nd ward, behind	38 Years	1-1-2002	-do-	-do-	-do-	AP/2267/631	1772479	8 years

		Poleramma Temple, Pathabazar,Macherla Guntur Dist								
7	Tammisetty Chennakesava Rao	S/o Veera Swamy ,11 th ward, Shanthinagar, Macherla Guntur Dist	39 Years	1-4-1996	-do-	-do-	-do-	AP/2267/574	1772072	14 years
8	Erla Yedukondalu	S/o . Ramkoti,7th ward Rope Line Colony, Macherla Guntur Dist	39 Years	1-4-1996	-do-	-do-	-do-	AP/2267/561	11772059	14 years
9	Orsu Srinivas Rao	S/o. Lingaiah ,20th ward,Sagar Road, Macherla Guntur Dist	28 Years	1-2-2006	-do-	-do-	Cement Mill Mines.	AP/2267/670	17772832	4 ½ Years
10	Orsu Malliah	S/o. Venkateswaralu ,11 <sup>th</sup> ward,Shanthi nagar Macherla Guntur Dist	38 Years	1-5-1998	-do-	-do-	Cement Mill Lab.	AP/2267/606	1772221	12 years.
11	Erugudindla Srinivasa rao	S/o. Guruswamy, 20 th ward Behind Municipal Tank Macherla Guntur Dist	35 Years	1-5-1998	-do-	-do-	Cement Mill Raw Mill	AP/2267/608	1772223	12 Years
12	Venna Srinivasa	S/o. Yellaiah	38	1-5-1998	-do-	-do-	Cement	AP/2267/612	1772227	13 Years

	Rao	,12 <sup>th</sup> ward, Macherla Guntur Dist	Years				Mill and Lab.			
13	Battula Veeranjaneyulu	S/o.Venkateswara lu,20 <sup>th</sup> ward, Macherla Guntur Dist	28 Years	1-1-2005	-do-	-do-	Cement Mill and Packing house	AP/2267/640	17726049	5 Years
14	Bandaru Murali	S/o. Gopaiah,20 <sup>th</sup> ward,Sagar Road Macherla Guntur Dist	44 Years	1-4-1996	-do-	-do-	Raw Mill and packing House.	AP/2267/365	177247063	14 years
15	Bathula Yellainh	S/o.Venkataswam y ,8 <sup>th</sup> ward,Srisailam Road, Macherla Guntur Dist	33 Years	1-1-2002	-do-	-do-	Raw Mill and packing House.	AP/2267/625	1772473	8 Years
16	Ravuri Srinivasa Rao	S/o.Ramaiah ,8 <sup>th</sup> ward,Railkatta Macherla Guntur Dist	39 Years	1-4-1996	-do-	-do-	Raw Mill and packing House.	AP/2267/4555	1772057	14 Years
17	Bathula Brahma	S/o.Gopaiah Behind Vadde Filing Station, 1 <sup>st</sup> Lane,9 <sup>th</sup> ward,Sagar Road, Macherla Guntur Dist	27 Years	30-08-2005	-do-	-allaih	Cement Mills , belt operatio n and loading.	AP/2267/645	1772473	5 Years
18	Upputholla Govindu	S/o Srinivas rao Behind vadde filling station 9 <sup>th</sup> ward,Sagar Road,	26 Years	30-08-2005	-do-	K. Malliah	Cement Mills , belt operatio	AP/2267/645	1772710	5 Years

		Macherla Guntur Dist					n and Loading			
19	Uppu Venkata Rao	S/o Venkateswarlu, Besides Bharathi Petroal Bunk ,1 <sup>st</sup> lane,20 <sup>th</sup> ward,Macherla Guntur Dist	26 Years	30-08-2005	-do-	K. Malliah	Cement Mills , belt operatio n and Loading	AP/2267/663	1772702	5 Years
20	Bathula Durg a Prasad	S/o Yesudaya, Besides Chinna Convent 1 <sup>st</sup> lane 11 th wardShanth Nagar, Macherla Guntur Dist	24 Years	30-08-2005	-do-	K. Malliah	Cement Mills , belt operatio n and Loading	AP/2267/654	1772693	5 years
21	Vemula Sivannarayana	S/o Veeraiah, Behind Municipal Park,20 th ward,, Macherla Guntur Dist	26 Years	30-08-2005	-do-	K. Malliah	Cement Mills , belt operatio n and Loading	AP/2267/659	1772697	5 years
22	Mudenna Srinivasa Rao	S/o Venkateswarlu, Rajaka Street, 12 <sup>th</sup> Ward, Macherla, Guntur District	29 years	30-8-2005	-do-	K. Mallesh	Cement Mills, belt operatio n and loading	AP/2267/648	1772708	5 years
23	Battula Brahmaiah	S/o Yedukondalu, behind Vadde Film Station, 9 <sup>th</sup>	30 years	30-8-2005	-do-	K.Mallaiah	Cement Mills belt	AP/2267/648	1772687	5 years



		Ward, Sagar Road, Macherla, Guntur District					operation and loading			
24	Battula Srinivasa Rao	S/o Yedukondalu, behind Vadde Film Station, 9 <sup>th</sup> Ward, Sagar Road, Macherla, Guntur District	26 years	30-8-2005	-do-	K.Mallaiah	Cement Mills, belt operation and loading	AP/2267/647	1772686	5 years
25	Bandaru Pedda Pullaiah	S/o Venkateswarlu, behind Vadde Film Station, 20 <sup>th</sup> Ward, Sagar Road, Macherla, Gunur District	32 years	11-10-2007	Lab	K. Mallaiah	Samaple boy and general duties	AP/2267/699	1773111	3 Years
26	Bandaru Pulla Rao	S/o Venkateshwarlu, Behind Vadde Filling Station, 9 <sup>th</sup> Ward, Sagar Road, Macherla, Gutur District	27 years	11-10-2007	Lab	K. Mallaiah	Samaple boy and general duties	AP/2267/696	1773108	3 Years
27	Kandrathi Sambasivarao	S/o Subba Rao, 7 <sup>th</sup> Ward Ropeline Road, Macherla, Guntur District	24 Years	11-10-2007	Lab	K. Mallaiah	Samaple boy and general duties	AP/2267/711	1773123	3 years
28	Mudenna Ramulu	S/o Venkateswalu, Rajaka Street, 12 <sup>th</sup> Ward, Guntur District	24 years	11-10-2007	Lab.	K.Mallaiah	Samaple boy and general duties	AP/2267/710	1773122	3 years

29	Sk. Saidulu	S/o Allah Saheb	24 years	1-2-2006	Lab.	K.Mallaiah	Sample boy and general duties	AP/2267/673	1772830	4 ½ Years
30	Rachamanti Brahmaiah	S/o Pedda Kesaiah, Teerala Village, Durgi Mandal, Guntur District	50 years	1997	Packing house	Bathula Rja	Paking Plan	AP/2267/459	1771693	13 years
31	Ankipally Srinivasa Rao	S/o Pedda Yelamanda, Teerala Village, Durgi Mandal, Guntur District	30 years	29-8-1997	Security	K. Srinivasa Rao	Security Guard	AP/33249/3727	1772288	13 years
32	Bontha Srinivasa Rao	S/o Veeraiah, Teerala Village, Durgi Mandal, Guntur District	36 years	11-1-2001	-do-	-do-	Security Guard	AP/33249/9846	620/1772900	10 years
33	Yeerakula Siddaiah	S/o Satyanarayana, Teerala Village, Durgi Mandal, Guntur District	37 years	11-1-2001	-do-	-do-	-do-	AP/33249/4856	521772464	10 years
34	Ankipally Elisha Babu	S/o Venkaiah, Teerala Village, Durgi Mandal, Guntur District	36 years	15-12-2001	-do-	-do-	-do-	AP/33249/97161		10 years
35	Gellapogu Mohan Rao	S/o Pitchaiah, Teerala Village, Durgi Mandal, Guntur District	28 years	24-7-2005	-do-	-do-	-do-	AP/33249/4185	3307360	5 years

36	Gangavarapu Immanuelu	S/o Yesobu Teerala Village, Durgi Mandal, Guntur District	43 years	6-4-2006	-do-	-do-	-do-	AP/33249/5092	1772973	4 years
37	Gallapogu Ananda Babu	S/o Bhusanam, Teerala Village, Durgi Mandal, Guntur District	23 years	15-3-2009	-do-	-do-	-do-	AP/33249/4619		1 ½ Year
38	Mekala Linga Rao	S/o Shankraiah, Teerala Village, Durgi Mandal, Guntur District	22 years	21-1-2008	-do-	-do-	-do-	AP/33249/4560		About 2 Years

D.SREENIVASULU  
SECRETARY TO GOVERNMENT

SECTION OFFICER